

Application No.: 10/633,827
Response to Office Action of February 5, 2007
Attorney Docket: THREE-134A

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 15-21. These sheets, which includes Figures 15-21, replace the original sheets including Figures 15-21. In each of Figures 15-21, those portions of the drawings rendered in grayscale and thus in such a manner that features were difficult to recognize, have been converted to line drawings.

Attachment: Replacement Sheets 1-7

REMARKS

This is in response to the Office Action dated February 5, 2007, in which the Office accepted Applicant's submission filed on November 8, 2006 including a Request for Continued Examination under 37 C.F.R. §1.114. The Office objected to Claims 14 and 39 under 37 C.F.R. §1.75(c) as being in an improper dependent form. The Office also maintained its objection to the drawings as articulated in the Office Action mailed August 9, 2006, in which the shading in Figures 15-21 was determined to render the subject matter shown therein difficult to recognize. The Office rejected Claims 1-4, 14, 19-29, 39, 42, 43, and 44 under 35 U.S.C. §103(a) as being obvious over U.S. Pat. App. Pub. No. 2002/0006602 by Masters (hereinafter "MASTERS"), in view of U.S. Pat. App. Pub. No. 2002/0089513 by Blanchard (hereinafter "BLANCHARD"), and U.S. Pat. App. Pub. No. 2001/0025261 by Olefson (hereinafter "OLEFSON"). Further, Claims 6-13, 15-16, 31-38, and 40-41 were also rejected under 35 U.S.C. §103(a) as being obvious over MASTERS in view of BLANCHARD and OLEFSON, and in further view of U.S. Pat. App. Pub. No. 2002/0099725 by Gordon (hereinafter "GORDON"). Claims 5, 17-18 and 30 were rejected under 35 U.S.C. §103(a) as being obvious over MASTERS in view of OLEFSON, and in further view of U.S. Pat. App. Pub. No. 2002/0024528 by Lambertsen (hereinafter "LAMBERTSON"). For the reasons that follow, Applicant respectfully submits that the present application is in condition for allowance.

I. The presently corrected drawing sheets are in compliance with 37 C.F.R. §1.121(d).

By the present Amendment, Applicant has amended those portions of Figures 15-21 objected to by converting the grayscale background images to line drawings. Applicant respectfully submits that the corrected drawings are now in compliance, and requests reconsideration and withdrawal of the objection.

II. Claims 1-4, 14-29, 39, 42, 43, and 44 are not obvious over MASTERS in view of BLANCHARD and OLEFSON.

The Office has rejected Claims 1-4, 14-29, 39 42, 43, and 44, asserting that MASTERS taught all of the features recited in Claim 1 except for a color user interface having color

variation strips based on colors displayed in the color wheel, which was asserted as being taught by BLANCHARD. OLEFSON has apparently been cited for the proposition that the use of a touch screen has been known in the art. In response to Applicant's prior amendment to Claim 1, in which the feature of the selected room setting was clarified as providing "a user visualization and contemplation of different types of window coverings," the Office noted that such features were likewise taught by MASTERS.

By the present amendment to Claims 1 and 22, Applicant further clarifies the features of the "selected room setting" as defining a "product positioning region." Furthermore, the visualization of the selected product and the selected color is recited as being displayed in such product positioning region. Support for these amendments is found in Paragraphs [0060]-[0062] of Applicant's disclosure. Claims 7 and 32 have been amended to properly link the "product positioning region" to the "window location" and the "product location," respectively. Furthermore, Applicant has deleted the feature of a touch screen user interface from Claims 1 and 22, and it is submitted that OLEFSON is no longer pertinent.

Applicant respectfully submits that MASTERS may have been mischaracterized. Generally, MASTERS appears to teach an expert system for determining "interior design treatments that are aesthetically compatible with existing "interior design requirements." (Abstract, paragraph [0001]. The compatibility rules appear to be predetermined based upon generally accepted interior design principles with respect to color, pattern, or style of the design requirements and existing treatments. As utilized in MASTERS, the term "interior design treatment" refers to aesthetic surface modifications to walls, floors, furniture, and the like such as "color palettes, paints, fabrics, wall coverings, and floor coverings..." (Paragraph [0006]).

While MASTERS appears to disclose the capability of the homeowner to place "windows, doors, and cabinetry" in the input stage of the computer program as explained in paragraph [0027] and cited by the Office, the overlaying of the compatible "interior design treatment" appears to be entirely independent of visualizations of the room layout. The final output of the homeowner includes a view of "a particular item with a compatible interior design treatment overlaid on the item..." (Paragraph [0040]). As shown in FIG. 6, the output or display of results 196 includes step 198, where the compatibility analysis mentioned above takes place. Thereafter, in step 199, the compatible treatments are provided so that one group to be used in

Application No.: 10/633,827

Response to Office Action of February 5, 2007

Attorney Docket: THREE-134A

the interior design of the home can be shown. As an example, this grouping of compatible treatments appears to refer to different sets of changes to color, pattern, or style that may be implemented for the items in a room. A particular item is selected in step 202, and that, and only that particular item, is displayed with the suggested color, pattern, or style overlaid on the image thereof (Paragraph [0040]). Thus, a proper reading of MASTERS illustrates that inputting the aforementioned room size, and the window, door, and cabinetry positioning data merely aids in the determination of selecting additional furnishings that may be added to the room, and no additional visualization of the room takes place.

Without conceding the propriety of the proposed combination of MASTERS and BLANCHARD, Applicant respectfully submits that a *prima facie* case of obviousness has not been established. As is well settled, a *prima facie* case of obviousness requires that the cited reference teach or suggest all the claimed features. MPEP 2143, *citing In re: Vaeck*, 947 F.2d 488 (Fed. Cir. 2001). Applicant submits that MASTERS and BLANCHARD each lack the teaching or suggestion of obtaining a selected room setting that “defines a product positioning region,” and the step of visualizing the selected product and the selected color in the product positioning region.

Contrary to the earlier findings of the Office, it is respectfully submitted that the “interior design treatment” of MASTERS is not equivalent to the “selected product” feature recited in Claim 1 and 22. MASTERS uses room layout information to determine the compatible items that may be added thereto, and upon generating a list of compatible items, colors and patterns compatible with the inputted information may be selectively overlaid on a visualization of such items. Claims 1 and 22, on the other hand, feature room setting information that defines a product positioning region, upon which a visualization of selected products is overlaid. In other words, the final output or visualization of MASTERS is entirely different from Applicant’s claimed visualization step. Thus, it follows that it would be unnecessary for MASTERS to define a product positioning region in the room layout information because the visualization/overlay of “interior design treatments” is with respect to the individual items, not to the entirety of the room.

Based on the foregoing, favorable reconsideration and withdrawal of the rejection of independent Claims 1 and 22 under 35 U.S.C. § 103(a) are respectfully requested.

Application No.: 10/633,827

Response to Office Action of February 5, 2007

Attorney Docket: THREE-134A

Furthermore, because Claims 2-4, 14-21, 23-29, 39, 42, 43, and 44 depend from allowable base claims and recite additional features that further define the present invention, it is respectfully submitted that such claims are likewise in condition for allowance. Reconsideration and withdrawal of the rejections of such claims are also requested.

III. Claims 6-13, 15-16, 31-38, and 40-41 are not obvious over MASTERS in view of BLANCHARD and OLEFSON, and in further view of GORDON.

The Office has rejected Claims 6-13, 15-16, 31-38, and 40-41 as claiming features recited in MASTERS, BLANCHARD, and OLEFSON, as previously asserted in relation to the rejection of Claim 1, in addition to GORDON. Specifically, it appears that GORDON was cited for the claimed feature of the “selected room setting” being a photograph of the user’s room setting, which may be a digital photograph stored on a digital camera or computer hard drive on a portable/laptop computer. These features were recited in Claims 6, 11, 12, 13, 15 and 16. According to the Office Action, MASTERS was asserted to teach the recited features of Claims 7, 8, 9, and 10. Claims 31-38 were deemed to include the recite the same features as Claims 6-13, and Claims 40-41 were deemed to recite the same features as Claims 15-16.

As asserted above in relation to Claims 1 and 22, MASTERS, BLANCHARD and OLEFSON do not teach or suggest the feature of obtaining a selected room setting that “defines a product positioning region,” nor the step of visualizing the selected product and the selected color in the product positioning region. It appears that GORDON does not teach such features either, based upon its citation as solely to show the above-noted features. Because a *prima facie* case of obviousness has not been established with respect to independent Claims 1 and 22, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to Claims 6-13, 15-16, 31-38, and 40-41, which depend therefrom and recite additional features that define the present invention. Reconsideration and withdrawal of the rejections are respectfully requested.

Application No.: 10/633,827
Response to Office Action of February 5, 2007
Attorney Docket: THREE-134A

IV. Claims 5, 17-18, and 30 are not obvious over MASTERS in view of BLANCHARD in view of OLEFSON, and in further view of LAMBERTSON.

The Office rejected Claims 5, 17-18, and 30 as reciting features purportedly taught by MASTERS, BLANCHARD, and OLEFSON, as previously asserted in relation to the rejection of Claim 1. With respect to Claims 5 and 30, which generally recite the feature of the room setting being a “pre-stored glamour photograph,” the Office has cited LAMBERTSON to reject the same. Further, the Office has also cited LAMBERTSON in asserting that the claimed feature of the selected product being translucent and in which the level of transparency is adjustable, was known in the art.

As asserted above in relation to Claims 1 and 22, MASTERS, BLANCHARD, and OLEFSON do not teach or suggest the feature of obtaining a selected room setting that “defines a product positioning region,” nor the step of visualizing the selected product and the selected color in the product positioning region. The Office apparently recognizes that such features are not taught by LAMBERTSON either, as indicated by its particular citation of such reference for only the alleged teachings noted above. Because Claims 1 and 22 are in condition for allowance, claims dependent therefrom that recite additional inventive features, including Claims 5, 17-18, and 30, are likewise in condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested.

Application No.: 10/633,827
Response to Office Action of February 5, 2007
Attorney Docket: THREE-134A

V. Conclusion

On the basis of the foregoing, Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability and respectfully requests that the Examiner indicate the allowance of Claims 1-44 of the present application. An early Notice of Allowance is therefore respectfully requested. If any additional fee is required, please charge Deposit Account Number 19-4330

Respectfully submitted,

Date: 7/3/07 By:

Customer No.: 007663



Kit M. Stetina
Registration No. 29,445
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

KMS/SSS
T:\Client Documents\THREE\134a\Response to 2-5-07 Office Action.doc